

were suffering from congenital scoliosis, fused ribs, small chests, and missing ribs. He made it his mission to change their fates. In such a dire environment, the work of this dedicated physician, Dr. Robert Campbell, has made all the difference. He has waged a decades-long campaign to provide a solution for these children that gives them a fighting chance.

During the 1980s, while at the University of Texas Health Science Center at San Antonio, Dr. Campbell teamed up with the late Dr. Melvin Smith on developing a medical device suitable for children. In 1987, Dr. Campbell, along with Dr. Smith, made a major breakthrough with the invention of the Vertical Expandable Prosthetic Titanium Rib. This device proved to be easy to implant, and importantly, it could be expanded with minor outpatient surgery as the child grows.

Unfortunately, as these rare rib and spine disorders occur so infrequently in the population, Dr. Campbell was just starting his journey on getting this life-saving device to the children who needed it. Completing the necessary trials for Food and Drug Administration approval proved to be a tremendous challenge. The process stretched out for well over a decade, but Dr. Campbell kept at it, working to develop and complete the needed trials.

In this effort, he received invaluable help from the National Organization for Rare Disorders, or NORD. This organization of medical professionals helps bring attention to the 6,800 known rare diseases that currently have no approved therapies. Through funding and support from NORD, Dr. Campbell was able to continue his work.

Dr. Campbell persevered and he ultimately prevailed. After many years of advocacy, due in large part to his devotion to children, he won approval from the FDA for the Vertical Expandable Prosthetic Titanium Rib on September 2, 2004.

Thanks to Dr. Campbell's work, Devin Alfonso was able to enroll in a clinical trial to receive the medical device that saved his life. Hundreds of other children suffering from spinal and skeletal abnormalities have also survived and have even thrived thanks to this enthusiastic doctor and his noteworthy invention.

From his identification of Thoracic Insufficiency Syndrome to his persistence in bringing his life-saving device to fruition, Dr. Campbell has been a stalwart for children's health. He is an inspiration to everyone who has worked with him and, most certainly, to the children and families he has helped.

I know the impact he has had on Devin and on his mom, Rixys Alfonso. I know, over the past decade, I have gotten to share in the joy as Devin has grown into a wonderful young man.

So please join me in celebrating Dr. Campbell's achievements and in honoring his unwavering devotion to saving the lives of so many children.

Mr. GINGREY of Georgia. Mr. Speaker, I ask my colleagues to support House Resolution 1499, the resolution honoring Dr. Robert Campbell, Jr.

I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge adoption of the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1499, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### TRUTH IN FUR LABELING ACT OF 2009

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2480) to improve the accuracy of fur product labeling, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2480

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Fur Labeling Act of 2009".

#### SEC. 2. ELIMINATION OF EXEMPTION TO FUR PRODUCT LABELING REQUIREMENTS FOR PRODUCTS CONTAINING RELATIVELY SMALL QUANTITIES OR VALUES OF FUR.

(a) IN GENERAL.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking "except that" and all that follows through "contained therein".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act.

#### SEC. 3. EXEMPTION FOR DISCRETE SALES BY NON-RETAILERS.

Section 3 of the Fur Products Labeling Act (15 U.S.C. 69a) is amended by adding at the end the following:

"(g) No provision of this Act shall apply to a fur product—

"(1) the fur of which was obtained from an animal through trapping or hunting; and

"(2) when sold in a face to face transaction at a place such as a residence, craft fair, or other location used on a temporary or short term basis, by the person who trapped or hunted the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person."

#### SEC. 4. FEDERAL TRADE COMMISSION REVIEW OF FUR PRODUCTS NAME GUIDE.

Not later than 90 days after the date of the enactment of this Act, the Federal Trade Commission shall publish in the Federal Register notice of, and an opportunity to comment on, a review of the Fur Products Name Guide (16 CFR 301.0).

#### SEC. 5. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

#### GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2480, the Truth in Fur Labeling Act.

I want to begin by thanking Representative MORAN from Virginia for introducing this bill and Representatives RUSH, WAXMAN, WHITFIELD, and BARTON for moving this bill through the committee process.

H.R. 2480 is a commonsense, bipartisan bill that, with one exception, requires all articles of apparel containing fur to be labeled regardless of the cost of the garment. This legislation will make clear to consumers and retailers exactly which products contain fur and which do not.

During committee consideration, one exception was added to these requirements. An amendment by Mr. LATTA was accepted by voice vote to exempt from the labeling requirements those fur products that are sold by hunters and trappers out of their homes or at fairs or at other temporary spaces. This exemption is extremely limited. It applies only to fur sold by the individual who actually hunted or trapped the animal when the sale of such furs is not the primary source of income for that individual. The bill also directs the Federal Trade Commission to update the Fur Products Name Guide, which has been criticized as inaccurate and outdated.

As indicated, this bill enjoys very broad support from Members on both sides of the aisle. I urge my colleagues to support it.

I reserve the balance of my time.

□ 1310

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I also would like to thank Congressman MORAN for being a real leader on this legislation, and I certainly want to thank Chairman RUSH and Chairman WAXMAN and others on the Energy and Commerce Committee.

This legislation, as Mr. SARBANES adequately described, is relatively simple. It simply amends the Fur Products

Labeling Act of 1951. That act required accuracy in the labeling of fur products and apparel, but it did not apply to any apparel sold for less than \$150.

A series of recent investigations revealed that a significant number of clothes designers and retailers were selling some fur-trimmed garments described as faux or raccoon or coyote or mink or whatever, when actually it turned out to be dog fur or something else. As a matter of fact, of 38 jackets subjected to very specific tests, every single garment of those 38 was either unlabeled or it contained a label that misidentified the animal's fur that was used in that garment. And so this legislation is about transparency, providing consumers with accurate information on what they're buying.

Eighty-seven percent of garments sold in the U.S. today with fur already are required to abide by this. This will simply require the other 13 percent, those valued below \$150, to abide by the same law. And consumer protection organizations, retail, and even the fashion industry all support this legislation. And I would urge our colleagues to support it as well.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I want to, again, salute my colleagues for making this a bipartisan effort. I think there's a consensus of opinion that the more information that's available to the consumer, to the retailer, the better off we all are. I mean, in many respects that's the essence of a consumer protection initiative is to make sure that people who are purchasing these products actually have good information, truth in labeling at their fingertips.

I did want to salute the efforts of the Humane Society of the United States because they have been very responsible and persistent advocates on these issues over many, many, many years. As a result of those efforts, Americans have been learning more and more about some of the unsavory practices—it was just referred to by my colleague—when it comes to the sale of these fur products and how they're manufactured and what the source of the fur is. And, as a result, consumers want to know more, rightly. They justifiably want to understand more about where those products come from and be in a position to support the many businesses who are actually doing the right thing and are engaged in good, positive, best practices when it comes to marketing these products that contain fur.

And so I think that this bill that's been brought forward by my colleague, Mr. MORAN, the Truth in Fur Labeling Act, is going to help to advance that goal. And again, I'm very pleased that it has the bipartisan support that was indicated.

I did want to cite some of the information that was gleaned through a few investigations that were initiated by The Humane Society. They discovered that there were dozens of designers and

retailers—Mr. WHITFIELD has referred to this—that were selling some of these fur-trimmed jackets as faux or raccoon or coyote, or they weren't labeled at all. And you could find these in many of the retailers whose names you know. And they looked at 38 jackets. They subjected them to the spectrometry test which allows you to look and see exactly what the source of it is.

Many of them, as I say, that were identified as faux, of the 38 jackets that were looked at, every single garment was either unlabeled, contained a label that misidentified the animal, or was falsely advertised with this faux label. Three of the jackets advertised as fake fur, two of which had no label, were found to contain fur from domestic dogs. Now, this goes in contravention of legislation that's already on the books. But if you don't have that labeling imperative at work, then this kind of thing can slide through.

Designers, retailers, and consumers, as a result of this, get put in a position where they can't have confidence that what they're getting—whether it's faux fur or real, and if real, from what animal—is something that they can count on, especially, I might add, when it is a source from China, based on some of the investigations that have been done. So that's why this legislation is so critical.

As a result of the very broad support it has, and based on its merits and the substance of it, I would urge my colleagues to support its passage today.

Mr. Speaker, I am pleased to yield such time as she may consume to Representative SUTTON from Ohio, who is a member of the Energy and Commerce Committee and sits on the subcommittee that had jurisdiction with respect to this particular piece of legislation.

Ms. SUTTON. Mr. Speaker, I rise today in support of H.R. 2480, the Truth in Fur Labeling Act.

Mr. Speaker, consumers should be able to make informed decisions on what they're purchasing. When fur is not labeled because the value is below a certain level, a consumer may believe that no fur is used, even when it is. This bill will fix that problem by requiring that all fur apparel have labels, regardless of the value.

It's alarming when investigations reveal that dog fur and other animal furs are being sold to consumers who thought that they had merely purchased fake fur. Labels on all fur products will allow consumers to know what they are buying for themselves and their families, and it will help us disclose the truth about the type of fur that is being used on garments.

I urge a "yes" vote on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Truth in Fur Labeling Act, legislation I introduced along with Representative MARY BONO MACK.

The Fur Products Labeling Act of 1951 requires that animal fur garments be labeled with the name of the species used, manufacturer, country of origin, and other information.

That law protects consumers by providing product information and letting them know whether the product is made from real animal fur, and if so, what type of fur.

A provision in that labeling law, however, exempts products with a "relatively small quantity or value" of fur.

Since 1998, the Federal Trade Commission has set that amount at \$150.

Many garments—such as jackets, sweaters, vests, and accessories—that are only trimmed with animal fur fall below this \$150 threshold.

And because that threshold includes only the cost of the fur, not the total cost of the garment, even products containing several pelts could fall below the limit.

Products without labels, which are estimated to account for 13 percent of the fur garment market, pose a significant problem for consumers.

Some consumers may be allergic to certain fur products. Absent a label, they may buy a product that they assume is faux fur, but turns out to contain real fur that can impact their health.

Also, many consumers have strong moral objections to purchasing real fur products or have concerns about the use of certain species.

Without labels, how are customers supposed to know what they are buying?

At its core, this is a consumers' rights bill.

And consumers have a right to be skeptical about the accuracy of the information they receive when buying products at retail outlets.

A series of recent investigations by The Humane Society of the United States revealed that dozens of designers and retailers were selling fur-trimmed jackets advertised as "faux," "raccoon," "coyote," or not labeled at all, which turned out to be raccoon dog, domestic dog, or wolf.

The problem is complicated by the increasing use of dyeing and shearing on fur products.

If customers see pink, orange, blue, or sheared trim, they often assume it is synthetic because it is not labeled and does not resemble an animal's fur.

Quite simply, the current labeling law has not kept up with changes in the marketplace.

The only way to ensure consumers have all the information they deserve is by removing the \$150 loophole and requiring labels on all fur products.

This bill has the support of designers and retailers such as Gucci, Burberry, Saks Fifth Avenue, Bloomingdale's, Macy's, and Tommy Hilfiger.

These companies recognize the need for clear and consistent standards as a way to ensure consumer confidence in the products they sell.

It is also supported by National Association of Consumer Agency Administrators (NACAA), an organization representing more than 160 government agencies and 50 corporate consumer offices.

This bill has been vetted thoroughly and modified at both the Subcommittee and Committee level to address valid concerns raised by the Members of the Minority, including the addition of language excluding from the labeling requirements small amounts of homemade products made by hunters and trappers.

Finally, it is important to note that this bill would in no way restrict any trade in fur or any methods of producing fur.

Again, this is about giving all consumers, whether they have a closet full of fur garments or wouldn't be caught dead in one, the complete information they need to make enlightened purchasing decisions.

This is a commonsense bill that deserves broad support, and I ask my colleagues to vote for its passage.

Mr. BLUMENAUER. Mr. Speaker, I am proud to support H.R. 2480, the Truth in Fur Labeling Act. This legislation is an important step for consumers and animals. It is also basic common sense. It removes a loophole that has kept consumers from knowing what they're buying and enforces a law that Congress passed ten years ago.

We all deserve to know what we're buying. However, the current fur labeling exemption is unclear and out of date, leaving consumers in the dark. Consumers often end up buying real fur that they are told is fake or domestic dog fur mislabeled as raccoon fur. If a product has less than \$150 worth of fur on it, it doesn't even need to be labeled at all. That means that a \$500 coat with \$150 worth of fur on the collar and cuffs does not require a label. Based on approximate pelt prices after tanning and dressing, that coat could be made using the fur from 30 rabbits, three Arctic foxes, one otter or one timber wolf, without requiring any sort of label. That does not provide consumers with adequate protection and doesn't allow them to make informed decisions. The Truth in Fur Labeling Act will remedy the situation and give consumers the ability to make choices for themselves, rather than being kept in the dark or even deceived.

I am proud to support this legislation today, and am pleased to see the widespread support it has received from outside organizations, including such diverse groups as the Humane Society of the United States, Macy's and Saks Fifth Avenue. I hope that my colleagues will join me in protecting consumer rights and animal welfare.

Mr. SARBANES. Mr. Speaker, again, I urge the support of this bill from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2480, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1320

## FAIR SENTENCING ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1789) to restore fairness to Federal cocaine sentencing.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Sentencing Act of 2010".

### SEC. 2. COCAINE SENTENCING DISPARITY REDUCTION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "50 grams" and inserting "280 grams"; and

(2) in subparagraph (B)(iii), by striking "5 grams" and inserting "28 grams".

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking "50 grams" and inserting "280 grams"; and

(2) in paragraph (2)(C), by striking "5 grams" and inserting "28 grams".

### SEC. 3. ELIMINATION OF MANDATORY MINIMUM SENTENCE FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning "Notwithstanding the preceding sentence,".

### SEC. 4. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking "\$4,000,000", "\$10,000,000", "\$8,000,000", and "\$20,000,000" and inserting "\$10,000,000", "\$50,000,000", "\$20,000,000", and "\$75,000,000", respectively; and

(2) in subparagraph (B), by striking "\$2,000,000", "\$5,000,000", "\$4,000,000", and "\$10,000,000" and inserting "\$5,000,000", "\$25,000,000", "\$8,000,000", and "\$50,000,000", respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking "\$4,000,000", "\$10,000,000", "\$8,000,000", and "\$20,000,000" and inserting "\$10,000,000", "\$50,000,000", "\$20,000,000", and "\$75,000,000", respectively; and

(2) in paragraph (2), by striking "\$2,000,000", "\$5,000,000", "\$4,000,000", and "\$10,000,000" and inserting "\$5,000,000", "\$25,000,000", "\$8,000,000", and "\$50,000,000", respectively.

### SEC. 5. ENHANCEMENTS FOR ACTS OF VIOLENCE DURING THE COURSE OF A DRUG TRAFFICKING OFFENSE.

Pursuant to its authority under section 994

of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure that the guidelines provide an additional penalty increase of at least 2 offense levels if the defendant used violence, made a credible threat to use violence, or directed the use of violence during a drug trafficking offense.

### SEC. 6. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN AGGRAVATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to ensure an additional increase of at least 2 offense levels if—

(1) the defendant bribed, or attempted to bribe, a Federal, State, or local law enforcement official in connection with a drug trafficking offense;

(2) the defendant maintained an establishment for the manufacture or distribution of a controlled substance, as generally described in section 416 of the Controlled Substances Act (21 U.S.C. 856); or

(3)(A) the defendant is an organizer, leader, manager, or supervisor of drug trafficking

activity subject to an aggravating role enhancement under the guidelines; and

(B) the offense involved 1 or more of the following super-aggravating factors:

(i) The defendant—

(I) used another person to purchase, sell, transport, or store controlled substances;

(II) used impulse, fear, friendship, affection, or some combination thereof to involve such person in the offense; and

(III) such person had a minimum knowledge of the illegal enterprise and was to receive little or no compensation from the illegal transaction.

(ii) The defendant—

(I) knowingly distributed a controlled substance to a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual;

(II) knowingly involved a person under the age of 18 years, a person over the age of 64 years, or a pregnant individual in drug trafficking;

(III) knowingly distributed a controlled substance to an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct; or

(IV) knowingly involved an individual who was unusually vulnerable due to physical or mental condition, or who was particularly susceptible to criminal conduct, in the offense.

(iii) The defendant was involved in the importation into the United States of a controlled substance.

(iv) The defendant engaged in witness intimidation, tampered with or destroyed evidence, or otherwise obstructed justice in connection with the investigation or prosecution of the offense.

(v) The defendant committed the drug trafficking offense as part of a pattern of criminal conduct engaged in as a livelihood.

### SEC. 7. INCREASED EMPHASIS ON DEFENDANT'S ROLE AND CERTAIN MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure that—

(1) if the defendant is subject to a minimal role adjustment under the guidelines, the base offense level for the defendant based solely on drug quantity shall not exceed level 32; and

(2) there is an additional reduction of 2 offense levels if the defendant—

(A) otherwise qualifies for a minimal role adjustment under the guidelines and had a minimum knowledge of the illegal enterprise;

(B) was to receive no monetary compensation from the illegal transaction; and

(C) was motivated by an intimate or familial relationship or by threats or fear when the defendant was otherwise unlikely to commit such an offense.

### SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 90 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with